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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

) Case No. M 07-1827 SI
FLAT PANEL DISCOVERY ORDER

Following a lengthy in-person hearing on December 18, 2009, counsel for Plaintiffs and certain of the Defendants agreed to meet and confer in order to reach resolution on some remaining document recovery requests. Despite good faith attempts, the dispute was not resolved, and the Special Master received a letter from Plaintiffs on January 6, 2009, and from Cleary Gottlieb, on January 7, 2009, on behalf of the relevant Defendants, setting forth the parties' respective positions.

Having reviewed the letters, and considering the prior briefing and hearing, the Special Master issues this ruling:

Plaintiffs are correct that "downstream discovery" is disfavored. Further, the information requested in Item #1 on Page 2 of Defendants' January 7 letter is overbroad and unreasonably burdensome on its face. Defendants have not demonstrated that their alleged need for this information outweighs the burden of producing it. This request is denied at this time.

Plaintiffs shall answer Items #2 and 4 by way of answers to Interrogatories and produce examples of form contracts in response to Item #3. They shall also inform Defendants as to how many relevant non-form contracts exist. Should Defendants believe that those answers are insufficient, they may seek further relief.

So Ordered.

Dated: January 13, 2009


Hon. Fern M. Smith (Ret.)
Special Master